

**§ 14-50.42. Real property used by criminal gangs declared a public nuisance: abatement.**

(a) Public Nuisance. – Any real property that is erected, established, maintained, owned, leased, or used by any criminal gang for the purpose of conducting criminal gang activity, as defined in G.S. 14-50.16A(2), shall constitute a public nuisance and may be abated as provided by and subject to the provisions of Article 1 of Chapter 19 of the General Statutes.

Proof that criminal gang activity by a criminal gang member is regularly committed at any real property or proof that the real property is regularly used for engaging in criminal gang activity by a criminal gang member is prima facie evidence that the owner or person who has legal possession of the real property knowingly permitted the act unless the owner or person who has legal possession of the real property is making or has made a good-faith attempt to terminate the criminal gang activity or remove criminal gang members from the property through legal means, including trespass or summary ejectment. For purposes of this section, the term "regularly" means at least five times in a period of not more than 12 months.

(b) Innocent Activities. – The provisions of this section shall not apply to real property used for criminal gang activity where any of the following conditions are met:

- (1) The owner or person who has legal possession of the real property does not have actual knowledge that the real property is being used for criminal gang activity.
- (2) The owner or person who has legal possession of the real property is being coerced into allowing the property to be used for criminal gang activity.
- (3) The owner or person who has legal possession of the real property is making or has made a good-faith attempt to terminate the criminal gang activity or remove criminal gang members from the property through legal means, including trespass or summary ejectment.

For purposes of this subsection, evidence that the defendant knew, or by the exercise of due diligence should have known, of the criminal gang activity constitutes proof of actual knowledge. (2008-214, s. 3; 2012-28, ss. 1, 2; 2017-194, s. 15.)